

## Out of Basin Transfer Subcommittee Meeting Notes from May 14, 2003

In attendance: Julia Fogue, Denise Poyer, Jeff Hershberger, Herb Johnson, Pam Marchand, Henry Meyer, Alisa Richardson, Kathy Crawley, Connie McGreavy, Albert & Susan Huetteman, Michele Drury

Michele Drury from MA DEM/WRC presented a brief overview of the MA Interbasin Transfer program and answered the committee's questions. The information presented is as follows:

The state of Massachusetts passed an Interbasin Transfer Act in 1983 due to a potential diversion of the Connecticut River to the Quabbin reservoir. The diversion never happened, ~~but~~ The Massachusetts Water Resources Authority took over operation of the water supply system and undertook a massive water conservation program (including leak detection and metering) which eliminated the need for the transfer.

Two main criteria groupings are needed to be met for interbasin transfer approval:

- a) environmental criteria
- b) Water Supply Plan criteria

There must be a reason for the interbasin transfer. The petitioning agencyproponent must show two things:

- a) professional judgment, consideration of other uses and environmental impacts
- b) maximum conservation of water resources before an interbasin transfer is justified (applicant has to do a plan)

If the applicant cannot meet the environmental criteria, they will not get a positive determination.

Problems:

- a) Cumulative impact to basin—it's difficult to determine when basins, such as the coastal basins in Massachusetts are not hydrologically connected
- b) Grand fathered provisions regarding sewers that outfall to the ocean are not covered
- c) Interstate transfer is not necessarily covered
- d) There are only 2 \_ people to perform the reviews; 6-8 would be better
- e) There is no jurisdiction over trucking water between basins yet

There is no threshold for review. Criteria apply statewide.

- Applicants who will be withdrawing more than 1 MGD need the full review.
- Applications for insignificance (less than 1 mgd) are screened primarily for environmental criteria first based on preliminary findings of significance. The withdrawal cannot be more than 5% of instantaneous flow. If a wastewater treatment facility is downriver, they use 7Q10.
- Applications must also account for federal regulations.

- Preliminary findings must consider Areas of Critical Environmental Concern.
- There is nothing in the act about economics, unless trying to determine if you have a viable source. The act includes wastewater.

MA ~~DEM requires~~ WRC uses -the environmental review permit process under MEPA (MA Environmental Policy Act) as its application. The MA DEP Water Management Act regulates actual water withdrawals. They give the second permit.

~~Section 4.04 looks~~ In determining if reasonable instream flow is maintained ~~at~~ impacts to the historic hydrograph are used. ~~It~~ The ITA also considers new public water supply wells and self supply.

MEPA permit:

- a) Water supply sources need permits for new sources, but not for existing sources.
- b) ~~DEP~~ MEPA is a clearinghouse for permits in MA
- c) Any significant transfers automatically require MEPA environmental review
- d) Developing all viable sources in receiving area is under DEP's judgment
- e) The process has lots of public scrutiny. Two applications per year/ takes about two years to approve (this includes development of the EIR under MEPA).
- f) PWS emergency interconnections and ~~emergency~~ connections are exempt from the act
- g) The spirit of the act is to protect the water resources
- h) MA has an Environmental Monitor that posts all Env. Notification Forms (ENF)
- i) ENF exemptions are in writing-certificates state criteria (not sure what is meant here?)

Ipswich River

- a) The community has applied for interbasin transfer out of Ipswich
- b) MEPA certification needed
- c) Interbasin transfer approval needed
- d) Forestry criteria for protection of owned source waters must be met

Page 4-6 #3 Conservation Criteria – key to the intent of the act      section a-f

See performance standards:

- -10% nonaccount
- 65 GPD per capita residential

Section B. Metering of users in receiving area vs. flat rates like in some systems.

Meter maintenance is required – master meters vs. all meters

(meter replacement is expensive --10 year rotation, 15% of operating expenses).

Quarterly readings are required in MA. Mostly Automated Meter Reading in MA.

Section C. Rates

Decreasing block rates are not allowed  
Block rates can be tailored to the system, can be seasonal.  
Rate system should encourage conservation but can be flexible.  
One community in MA meters outdoor water use. Homes need two meters.

Section D. Public water systems – ~~DEP recommends that~~ industrial and community water users should investigate implementing DEP's water reuse & recycling policy  
e-water

~~ED~~OEPA Office of Tech. Assistance recommends audits, but they do not do the audits. The result to the applicant is less water use and lower costs. At a minimum, ~~DEP~~ OTA can provide major users with a list of resources.

Section E. MA finished its Drought Plan. Water suppliers ~~do not~~ should have written plans for drought.

Section F. Land Use – provides control on “receiving area” sources.

Zone 1- 400 feet have to be owned and controlled around a well

Zone 2 – DEP recommends regulations—towns are asked to adopt regs so that they are part of zoning. As part of the application protected areas must be delineated

There are already many regulations in RI – Wellhead Protection, Source Water Protection, Water Supply Plans and Special Area Management Plans. However, the Affordable Housing loophole may be causing problems in some towns.

#### 4.05 Criteria

4) Forestry- surface water sources – can increase yield by selective cutting; might have been done just for Quabbin; >10 acres in perfect performance standards.

5) In stream flow makes or breaks interbasin transfer application. In MA, most are groundwater interbasin transfer applications (also wastewater considerations).

DEP regulates public water supply – DEP process must consider DEM regs, but not mandated. (?)

DEM – natural resource protection (forestry, parks)

Water Resource Commission is a public body.

Questions about the basis for application affecting stream flow. MA uses stream statistics. They use drainage area ratio if no gauge or stats are available. Applicants ~~must give them~~ are given a scope and perform stats ~~before as part of the~~ MEPA process. The draft EIR ~~comment period~~ is used for applicants to address interbasin transfer questions.

Questions whether permits are denied if flow ~~is <95% or 7Q10~~ criteria is not met? It depends how long ~~95% not met~~. If only for a few days, ok, ~~don't need~~ can condition approval to shut down well. If for a few months, not ok ~~need to shut down~~ and will probably result in denial. They assess using drought data.

New withdrawals will affect hydrograph over time, changes historic highs and lows. The MA Stressed Basin Report was completed for hydrology only, currently working on habitat criteria

for stress. ~~a~~ Areas of Critical Environmental Concern ~~were~~ are nominated by community and state designees. They do not have to have rare species.

Interbasin transfer is not a permit, but a onetime approval. The applicant does not have to come back, unless the capacity of ~~depending on the~~ system expansion. MA does have an Interbasin Compensation Fund.

MA does not regulate transfer within the same basin to RI or emergency interconnections. Their jurisdiction is if water crosses both town and basin lines, including wastewater. When asked if PWSB wants to supply MA, MA would not care, but RI would. There is no jurisdiction if the water supplier uses abandoned wells that are put back into production.

Other business:

The Huettemans discussed a new proposal in Charlestown to bypass zoning regulations and put 200 single-family houses on 60 acres, based on the Low-Moderate Affordable Housing Act. They were mostly looking for information and direction.

Next meeting 6/11 @ 1:30 pm

Assignments:

1. Vicki – Stressed basins
2. Kevin –SAMP process in Ninigret
3. Jeff – perf stds report
4. Connie – get web address for Code for Michele
5. Denise – Affordable Housing Act – how Mod Housing Act originated-statute
6. MEPA info from Janet Hutchins